

UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FIRST AMERICAN TITLE INSURANCE COMPANY,
TRANSNATION TITLE INSURANCE COMPANY,
LAWYERS TITLE INSURANCE COMPANY,
COMMONWEALTH LAND TITLE INSURANCE
COMPANY, SECURITY UNION TITLE INSURANCE
COMPANY, TICOR TITLE INSURANCE COMPANY,
CHICAGO TITLE INSURANCE COMPANY, TICOR
TITLE INSURANCE COMPANY OF FLORIDA, and
FIDELITY NATIONAL TITLE INSURANCE COMPANY,

No. 2:06-cv-12061
*Pending in the Eastern District
of Michigan, Southern Division*

Plaintiffs,

Case No. A-07-MC-378-SS

v.

BERNARD J. YOUNGBLOOD, Wayne County Register of
Deeds, in his individual and official capacities,

Defendant.

RESPONSE TO ORDER TO SHOW CAUSE WHY FILE SHOULD NOT BE CLOSED

TO THE HONORABLE SAM SPARKS:

Non-party Hart InterCivic, Inc. (“Hart”) responds to the Court’s Order dated April 3, 2008 requiring Hart to state a valid cause why this file should not be closed, and would respectfully show:

1. This matter was commenced in response to a subpoena issued to Hart by the plaintiffs in the underlying lawsuit, *First American Title Insurance Company, et al., v. Youngblood*, which is currently still pending in the United States District Court for the Eastern District of Michigan, Southern Division.

2. Hart has produced “Confidential” and “Attorneys’ Eyes Only” material in response to the subpoena, pursuant to the May 22, 2007 Protective Order issued by this Court. On February 7, 2008, the subpoena-issuing plaintiffs filed, in the underlying lawsuit, a motion to file under seal certain “Attorneys’ Eyes Only” material as exhibits to their motion for partial summary judgment. The Plaintiffs’ *Ex Parte* Motion to File Exhibits Under Seal is attached here as **EXHIBIT A**. The plaintiffs’ motion cited as its basis the May 22, 2007 Protective Order from this Court. *See Exhibit A at 2.*

3. The district court granted plaintiffs’ motion on February 7, 2008 in an Order attached here as **EXHIBIT B**. Briefing on the motion for partial summary judgment appears to still be ongoing.

4. Because the underlying litigation is ongoing and directly concerns material designated as “Attorneys’ Eyes Only” material pursuant to this Court’s May 22, 2007 Protective Order, that Order is still needed to protect Hart’s confidential and proprietary commercial information.

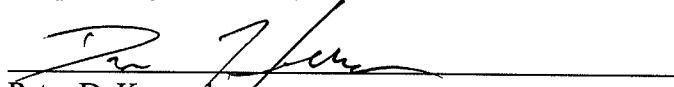
5. If the Court dismisses this matter, Hart respectfully requests that the Court note that the parties in the underlying litigation remain bound by the May 22, 2007 Protective Order.

PRAYER

Therefore, Hart respectfully asks this Court not to close this file until the underlying litigation has ended and Hart’s “Confidential” and “Attorneys’ Eyes Only” material is returned or destroyed pursuant to the May 22, 2007 Protective Order. In the alternative, Hart respectfully requests that if the Court does close the file, that the Court do so noting that the parties in the underlying litigation remain bound by the May 22, 2007 Protective Order.

Dated: April 18, 2008

Respectfully submitted,

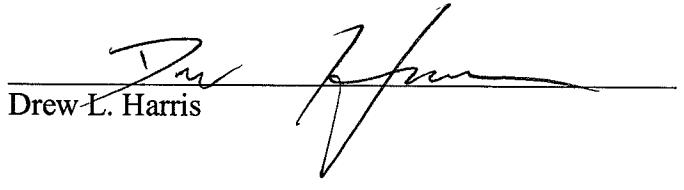

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ATTORNEYS FOR NON-PARTY HART
INTERCIVIC, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and that a true and correct copy of the foregoing was delivered to all attorneys of record in the manner indicated below, addressed as follows:

<p>David A. Ettinger Honigman Miller Schwartz and Cohn, LLP 2290 First National Building Detroit, MI 48226 dettinger@honigman.com 313.465.7368 <i>Attorneys for Plaintiffs</i></p> <p>Patrick J. Bruetsch Bruetsch & Associates 401 South Old Woodward, #400 Birmingham, MI 48009 248.645.0800 <i>Attorneys for Defendant</i></p>	<p><input checked="" type="checkbox"/> via Certified Mail, RRR <input checked="" type="checkbox"/> via U.S. Mail (First Class) <input type="checkbox"/> via Federal Express <input type="checkbox"/> via Facsimile <input type="checkbox"/> via E-mail <input type="checkbox"/> via Messenger</p>
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Drew L. Harris